

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jean-Francois Bouquet, *et al.*
U.S. Serial No. : 10/657,126
Filed : September 9, 2003
For : IMMORTAL AVIAN CELLS
Examiner : Robert A. Zeman
Art Unit : 1645
Confirmation No. : 9209

**VIA EFS-WEB
October 6, 2009**

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in further response to the Office Action mailed on July 7, 2009, and is filed with an Amendment and Response to Office Action.

I, Ruoying Chen, declare;

That I am an agent of record, authorized to execute terminal disclaimers on behalf of Merial SAS, Merial LLC and Merial Ltd. (collectively "Merial"), the assignee of the above-captioned application ("the present application"), U.S. Application No. 11/031,417 ("the '417 application");

That Merial SAS has a place of business at 29 Avenue, Tony Garnier 69007, Lyon, France and is 100% owned by Merial Ltd.; that Merial Ltd. is located at Sandringham House, Sandringham Avenue, Harlow Business Park, Harlow Essex,

England and is domesticated in Delaware, U.S. as Merial LLC, with a place of business at 3239 Satellite Boulevard, Duluth, Georgia, U.S.;

That, pursuant to MPEP 706.02(1)(2) ("Establishing Common Ownership . . . Example 1, Parent Company owns 100% of Subsidiaries A and B - inventions of A and B are commonly owned by the Parent Company"), the inventions of Merial SAS are commonly owned by Merial Ltd., since Merial SAS is a wholly owned subsidiary of Merial Ltd;

That Merial is the assignee of the entire right, title and interest in, to and under the present application, filed September 9, 2003, as a division of U.S. Application Serial No. 09/842,641, filed on April 27, 2001, and issued as U.S. Patent No. 6,642,042 on November 4, 2003, which application is a division of U.S. Application Serial No. 09/194,025, filed on February 12, 1999, and issued as U.S. Patent No. 6,255,108 on July 3, 2001, by virtue of:

a) the rules as set forth in MPEP 306, indicating that a prior assignment recorded against the original application is applied to the division or continuation application, and

b) the instant application is a division of U.S. Application Serial No. 09/842,641, filed on April 27, 2001, and issued as U.S. Patent No. 6,642,042 on November 4, 2003, which is a division of U.S. Application Serial No. 09/194,025, filed on February 12, 1999, and issued as U.S. patent number 6,255,108 on July 3, 2001, and

c) an assignment from the inventors to Merial, as set out at Reel 009751 and Frame 0730 and, where said assignment was recorded at the U.S. Patent and Trademark Office on February 12, 1999;

That Merial is the assignee of the entire right, title and interest in, to and under the '417 application, filed January 7, 2005, by virtue of:

a) the rules as set forth in MPEP 306, indicating that a prior assignment recorded against the original application is applied to the division or continuation application, and

b) the '417 application is a continuation application of U.S. application number 09/892,612, filed on June 28, 2001, issued as U.S. patent number 6,872,561, and

c) assignments from the inventors to Merial as set out at Reel 015892 and Frame 0841, and further as set at Reel 016249 and Frame 0015, where said assignments were

recorded at the U.S. Patent and Trademark Office on October 18, 2004 and July 12, 2005, respectively;

That Merial hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of any patent that issues from the '417 application;

That Merial hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent that issues from the '417 application, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of any patent that issues from the '417 application, in the event that any patent that issues from the '417 application expires earlier for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned agent of record, empowered to sign this Statement on behalf of the assignee, states that Merial is the assignee of the entire right, title and interest of the patent application and patents identified above (the present application, any patent that issues from the '417 application) by virtue of the assignments identified above. The undersigned has reviewed documents in the chain of title of the patent application and patents identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

This paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

The fee of \$140.00 required under 37 CFR 1.20(d) is paid concurrently with the filing of this paper. The Commissioner is authorized to charge any additional fee occasioned by this paper, or to credit any overpayment of fees, to Deposit Account No. 50-2354.

Respectfully submitted,

MERIAL LIMITED,

By:

A handwritten signature in black ink, appearing to read "Ruoying Chen", is written over a horizontal line.

Ruoying Chen

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